

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

GARY GOLDMAN, et al.,	:	CASE NO. 10-cv-3051
	:	Judge Robert W. Gettleman
vs.	:	Magistrate Judge Nan R. Nolan
DANIEL SPITZER, et al.	:	Jury Trial Demanded

**MOTION OF COUNSEL FOR DEFENDANTS, EMANUEL L. SARRIS, SR. AND
SARRIS FINANCIAL GROUP, INC., TO CONTINUE HEARING OF APRIL 17, 2013
REGARDING MOTION TO WITHDRAW AS COUNSEL**

Anthony J. Baratta, Esquire, counsel for Defendant, Emanuel L. Sarris, Sr., and Sarris Financial Group, Inc., hereby moves this Honorable Court for a continuance of the February 19, 2013 status hearing regarding counsel's Motion to Withdraw as Counsel, and assigns as his reasons therefore the following:

1. On October 11, 2012, counsel filed a Motion to Withdraw as counsel for Defendants, Emanuel L. Sarris, Sr., and Sarris Financial Group, Inc., which was joined by local counsel, Justin O. Kay, Esquire, a copy of said Motion is attached hereto as Exhibit "A".
2. Counsel's Motion was presented to the Court on October 17, 2012, at which time counsel, Justin O'Kay, Esquire, was granted leave to withdraw as counsel for Defendant, Emanuel L. Sarris, Sr., only. Justin O'Kay, Esquire, had never entered an appearance for Sarris Financial Group, Inc. and, therefore, Sarris Financial Group, Inc., does not have local counsel. Further, given Emanuel L. Sarris, Sr.'s bankruptcy and inability to pay any counsel and that Sarris Financial Group, Inc., has not and will not pay counsel, it is impossible to retain any other local counsel.

3. The Court thereafter continued the Motion as it related to Defendant, Sarris Financial Group, Inc., for disposition until Tuesday, November 27, 2012, pending Defendant, Sarris Financial Group's responses being provided to Plaintiffs' Request for Production of Documents.

4. Defendant, Sarris Financial Group, Inc., by and through the undersigned counsel, provided responses to Plaintiffs' counsel on November 8, 2012.

5. Defendant, Emanuel L. Sarris, Sr., filed a Voluntary Petition for Bankruptcy in the Southern District of Florida. Bankruptcy counsel for Emanuel L. Sarris, Sr., (not the undersigned) has been engaging in settlement discussion on behalf of the Sarris Defendants with Plaintiffs herein as well as Plaintiffs in two other matters, *Pawar, et al v. Sarris Financial Group, Inc.*, Court of Common Pleas of Bucks County, Pennsylvania, NO. 2010-04772 and *Panico v. Sarris Financial Group, Inc., et al* Court of Common Pleas of Montgomery County, Pennsylvania, NO. 2011-01966. Emanuel L. Sarris, Sr., was recently deposed in the Bankruptcy litigation and it is anticipated that a Mediation hearing will be scheduled in the bankruptcy matter in an effort to bring about a resolution to this matter.

6. It is hoped that the Bankruptcy Mediation can result in a resolution of all claims.

7. Moving counsel herein is requesting a continuance of the April 17, 2013 hearing pending the outcome of the bankruptcy Mediation which is anticipated will be scheduled sometime in late spring/early summer of 2013. If counsel were forced to personally attend the Status Hearing of April 17, 2013, he would be forced to pay plane fare and hotel expenses without reimbursement by Sarris, who is bankrupt, and is unable to pay counsel fees much less expenses. Sarris owes the undersigned counsel close to Twenty Thousand (\$20,000.00) Dollars in counsel fees and expenses to date.

8. Were counsel to appear on April 17, 2013, it is expected that the exact information being shared in this Petition would be shared with the Court and the likely outcome would be a continuation of the Petition to Withdraw until settlement discussions in the Bankruptcy litigation were exhausted.

9. Moving counsel also respectfully requests that he be permitted to participate via the telephone to argue the within Motion (as well as his Motion to Withdraw as Counsel, if necessary) inasmuch as the Sarris Defendants are paying neither his fees or any expenses and as such counsel would be forced to bear the burden of incurring expenses to fly from Philadelphia to Chicago to participate in these two Motions.

10. Moving counsel has requested Plaintiffs' counsel position but have not yet heard back from them. In the past Plaintiffs' counsel has not objected to the request to continue the hearing regarding the Motion to Withdraw.

WHEREFORE, based upon the foregoing reasons, Moving counsel, Anthony J. Baratta, Esquire, respectfully requests this Honorable Court to continue the April 17, 2013 status hearing regarding counsel's Motion to Withdraw as Counsel pending the scheduling and outcome of the bankruptcy Mediation and to permit counsel to participate by phone in any conferences scheduled.

Respectfully submitted,

/s/ ANTHONY J. BARATTA
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DATE: April 8, 2013

